

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 839

Introduced by Lautenbaugh, 18.

Read first time January 08, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Administrative Procedure Act; to amend
2 section 84-906, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to validity of rules and
4 regulations as prescribed; and to repeal the original
5 section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-906, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 84-906 (1) ~~No rule or regulation of any agency shall be~~
4 ~~valid as against any person until five days after such rule or~~
5 ~~regulation has been filed with the Secretary of State.~~ No rule or
6 regulation required under the Administrative Procedure Act to be
7 filed with the Secretary of State shall remain valid as against
8 any person until the certified copy of the rule or regulation has
9 been so filed on the date designated and in the form prescribed by
10 the Secretary of State. The filing of any rule or regulation shall
11 give rise to a rebuttable presumption that it was duly and legally
12 adopted.

13 (2) A rule or regulation adopted after August 1, 1994,
14 shall be invalid unless adopted in substantial compliance with the
15 provisions of the act, except that inadvertent failure to mail a
16 notice of the proposed rule or regulation to any person shall not
17 invalidate a rule or regulation.

18 (3) Any action to contest the validity of a rule or
19 regulation on the grounds of its noncompliance with any provision
20 of the act shall be commenced within four years after the effective
21 date of the rule or regulation.

22 (4) The changes made to the act by Laws 1994, LB 446,
23 shall not affect the validity or effectiveness of a rule or
24 regulation adopted prior to August 1, 1994, or noticed for hearing
25 prior to such date.

1 (5) The changes made to the act by Laws 2005, LB 373,
2 shall not affect the validity or effectiveness of a rule or
3 regulation adopted prior to October 1, 2005, or noticed for hearing
4 prior to such date.

5 Sec. 2. Original section 84-906, Reissue Revised Statutes
6 of Nebraska, is repealed.